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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,668	12/11/2003	William F. Sherman	100685.0004US1	6274
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FISH & ASSOCIATES, PC			EXAMINER	
ROBERT D. FISH			RIDER, JUSTIN W	
2603 Main Street			ART UNIT	PAPER NUMBER
Suite 1050			2626	
Irvine, CA 92614-6232				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,668	Applicant(s) SHERMAN, WILLIAM F.
	Examiner JUSTIN W. RIDER	Art Unit 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In response to the Office Action mailed 31 July 2008, applicant submitted a response filed 28 October 2008, in which the applicant cancelled claims 1-34. Claims 35-44 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barnes, JR (US 2003/0065805 A1)** referred to as **BARNES** hereinafter in view of **Saindon et al. (US 2002/0161579 A1)** referred to as **SAINDON** hereinafter.

Claim 35: **BARNES** discloses a method for processing speech, comprising:

i. providing a computing device (CD) (page 3, paragraph [0039], PDA) and a voice recognition peripheral device (VRPD) (page 26, paragraph [0270], '*or other external input device) may include a user input device (e.g., a keyboard, mouse, and/or microphone with appropriate voice recognition software) can be used by the user.*'), and informationally coupling the CD to the VRPD to form a CD/VRPD combination (as per page 26, paragraph [0270], an external input (e.g., microphone) is inherently coupled using a cable or wireless connection.); and

ii. providing a speech input in a first language to the CD/VRPD combination (speech would inherently be provided to a microphone with voice recognition software.), and transforming the speech input to text in the CD/VRPD combination (page 41, paragraph [0413], '*by converting the entire voice message to text...*)

However, **BARNES** fails to, but **SAINDON** does specifically disclose translating the text from the first language into a second language output using the CD/VRPD combination (page 1, paragraph [0006], '*the present invention provides...foreign language translation,* '); and

iv. communicating the second language output to a user (pages 6-7, paragraphs [0074]-[0075].

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **SAINDON** in the system of **BARNES** because it provides an efficient means to supply one user's speech input across all bounds (e.g., languages, locales) and communications channels (e.g., telephone, Internet, Web) to countless numbers of people in a real-time format (page 1, paragraphs [0004]-[0008]).

Claim 36: **BARNES** discloses a method as per claim 35 above, wherein the computing device is a handheld computer (page 3, paragraph [0039], PDA).

Claim 37: **BARNES** discloses a method as per claim 35 above, wherein the step of informationally coupling comprises coupling the CD to the VRPD using a cable or wireless connection (as per page 26, paragraph [0270], an external input (e.g., microphone) is inherently coupled using a cable or wireless connection.).

Claim 38: **BARNES** discloses a method as per claim 35 above, wherein the speech input is provided to the CD of the CD/VRPD combination (as per page 26, paragraph [0270], the

speech input (via microphone) is received and transmitted to the computing device to further processing, which in this case would be to provide information to a server.).

Claim 39: **BARNES** discloses a method as per claim 35 above, wherein the speech input is translated in the VRPD of the CD/VRPD combination (page 26, paragraph [0270], ‘*or other external input device) may include a user input device (e.g., a keyboard, mouse, and/or microphone with appropriate voice recognition software) can be used by the user.*’) [emphasis supplied].

Claim 40: **BARNES** discloses a method as per claim 35 above, wherein the second language output is a text output (page 41, paragraph [0413], ‘*that was stored and converted to the displayed text--(e.g., www.gifts.com.backslash.products.backslash.bn1- 23242).*’).

Claim 41: **BARNES** discloses a method as per claim 35 above, however failing to but **SAINDON** does specifically disclose wherein the second language output is a text output and wherein the VRPD converts the text output to speech (page 1, paragraph [0006] discloses text-to-speech capabilities that are also well known in the art.).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **SAINDON** in the system of **BARNES** because it provides an efficient means to supply one user’s speech input across all bounds (e.g., languages, locales) and communications channels (e.g., telephone, Internet, Web) to countless numbers of people in a real-time format (page 1, paragraphs [0004]-[0008]).

Claim 42: **BARNES** discloses a method as per claim 35 above, however failing to but **SAINDON** does specifically disclose wherein the second language output is communicated to

the user as speech output in the second language(page 1, paragraph [0006] discloses text-to-speech capabilities that are also well-known in the art.).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **SAINDON** in the system of **BARNES** because it provides an efficient means to supply one user's speech input across all bounds (e.g., languages, locales) and communications channels (e.g., telephone, Internet, Web) to countless numbers of people in a real-time format (page 1, paragraphs [0004]-[0008]).

Claim 43: **BARNES** discloses a method as per claim 35 above, wherein the communication port comprises a wireless communication port (Inherently, page 3, paragraph [0036], '*is through a voice command received by a microphone in a wireless single ear headset.*' [Emphasis supplied]).

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES**, in view of **SAINDON** as applied to claim 35 above, and further in view of **Staples (US Patent No. 5,652,082)** referred to as **STAPLES** hereinafter.

Claim 44: **BARNES**, in view of **SAINDON** discloses a method as per claim 35 above, however failing to but **STAPLES** does specifically disclose wherein the VRPD is embodied in a card that is connected to the CD (cols. 1-2, background and col. 4, lines 20-30, disclose the well-known ability to provide an interface for a card embodied within a computing device.).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **STAPLES** in the method of **BARNES**, in view of **SAINDON** because the use of PCMCIA cards are a well-known standard that allows for a

heightened level of adaptability, portability and simplicity all without burdening the user with multiple computing devices or complicated design work to take place.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN W. RIDER whose telephone number is (571)270-1068. The examiner can normally be reached on Monday - Friday 6:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/J. W. R./
Examiner, Art Unit 2626
13 January 2009